

UNITED STATES DISTRICT COURT
for the
Southern District of Texas

United States Courts
Southern District of Texas
FILED

JAN 30 2015

David J. Bradley, Clerk of Court

United States of America

v.

Fidel Garcia Garza

Case No.

H15-91 M

*Defendant(s)***CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 11/23/12 in the county of Harris in the
Southern District of Texas, the defendant(s) violated:

Code Section

18 USC 1542

Offense Description
Whoever willfully and knowingly makes any false statement in an application for passport with intent to induce or secure the issuance of a passport under the authority of the US for his own use

18 USC 911

Whoever falsely and willfully represents himself to be a citizen of the US shall be fined under this title or imprisoned not more than three years or both

18 USC 1001

Whoever . . . makes any materially false, fictitious, or fraudulent statement or representations; or makes or uses any false writing or document . . .

This criminal complaint is based on these facts:

See attached affidavit.

Continued on the attached sheet.



Complainant's signature

Special Agent Alex Stechschulte

Printed name and title

Sworn to before me and signed in my presence.

Date: 01/30/2015


Judge's signature

City and state: Houston, Texas

George C. Hanks Jr., U.S. Magistrate Judge

Printed name and title

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UNITED STATES OF AMERICA

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v.

MAGISTRATE NO.

FIDEL GARCIA GARZA

§
§

H15-91

M

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

1. Your Affiant, Alex Stechschulte being duly sworn, does hereby depose and state that I am a Special Agent of the U. S. Department of State, Diplomatic Security Service, currently assigned to the Houston Field Office, Houston, Texas. My duties include conducting criminal investigations involving the use of counterfeit passports, visas and other fraudulent identity documents. The information in this affidavit is based on my personal knowledge of this case and upon information provided to me by other government agencies. Through the course of my investigation, I have obtained probable cause to believe that Fidel Garcia Garza, hereafter referred to as Garza, unlawfully, knowingly and willfully made a false statement in an application for a United States Passport in violation of Title 18 United States Code § 1542. In addition, through the course of my investigation, I have obtained probable cause to believe that Garza, knowingly and willfully made a materially false statement in a matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States in violation of Title 18 United States Code § 1001. Furthermore, through the course of my investigation, I have obtained probable cause to believe that Garza

falsely and willfully represented himself to be a citizen of the United States violation of Title 18 United States Code § 911.

2. This affidavit is for the purpose of securing probable cause. It is not intended to include each and every fact or matter observed by me or known to the government.

3. On 11/21/2012, an individual identifying himself as Fidel Garcia Garza (Garza) executed an application for a United States Passport (DS-11 #139827115) at the Houston Passport Office in Houston, TX. As proof of citizenship, Garza presented County of Matagorda, Texas Birth Certificate #E69762, registered on 11/15/1980, and issued on 5/21/2012 in the name of Fidel Garcia Garza. As proof of identity, Garza presented State of Texas Driver License #16034737, issued to Garza on 3/9/2012 with an expiration date of 4/27/2018. Garza provided 461-55-3292 as his Social Security number. Garza provided his place of birth as Bay City, Texas.

4. DS-11 #139827115 states that "I declare under penalty of perjury all of the following: 1) I am a citizen or non-citizen national of the United States...."

5. Garza swore under penalty of perjury that the information contained on U.S. passport application DS-11 #139827115, including a claim to U.S. citizenship was true and correct to the passport acceptance clerk at the Houston Passport Agency, Houston Texas.

6. A review of County of Matagorda, Texas Birth Certificate #E69762 found that it was a court ordered Delayed Certificate of Birth. The County of Matagorda, Texas Birth Certificate was registered on 2/12/1981. This date is over 25 years after Garza's listed birth of 4/27/1955.

7. Record checks in the name of Fidel Garcia Garza and Social Security number #461-55-3292 returned an arrest history for Garza and an Alien # of A24825984.

8. Record checks of Alien File #A24825984 show that Garza was arrested in Falfurrias, Texas, and convicted of 18 USC § 1325 (Improper Entry By Alien). On 1/23/1981, two Border Patrol Agents stopped a vehicle that contained Fidel Garza Garcia. Border Patrol Agents placed Garza under arrest and brought him back to the Border Patrol Station in Falfurrias, Texas. While in custody, Garza waived his Miranda Rights. Garza then gave the following sworn written statement "My true and correct name is Fidel Garza Garcia. I am a citizen of Mexico by my birth in Burgos, Tamps, Mexico. My parents are also natives and citizens of Mexico." Garza was then charged and convicted of 18 USC § 1325 (Improper Entry by Alien).

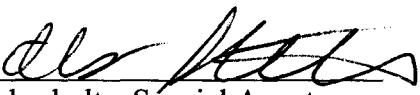
9. A query of Department of State and Department of Homeland Security databases determined that Garza has never applied for, or received, amnesty, a visa to the United States, Legal Permanent Residence Status, naturalization, or U.S. Citizenship.

10. On 1/28/2015, Thomas Kern a Fingerprint Specialist with the U.S. Customs and Border Protection Southwest Regional Science Center compared the thumbprints that were submitted with State of Texas Driver License #16034737, and the thumbprints from Alien File #A24825984. Thomas Kern determined that the thumbprints were a match and that they belonged to the same person.

11. Garza's statement from 1/23/1981 stated that he was born in Mexico and that his parents were born in Mexico. This statement combined with the fact that Garza is not naturalized as a U.S. Citizen means that Garza is not a U.S. Citizen. This conflicts with Garza's signed DS-11 #139827115 that states "I am a citizen or non-citizen national of

the United States." Furthermore, Garza's statement from 1/23/1981 that he was born in Mexico conflicts with Garza's signed DS-11 #139827115 that lists his place of birth as Bay City, Texas.

12. Based on the above information, your Affiant has probable cause to believe that Garza has violated Title 18 United States Code §1542 in that he unlawfully, knowingly and willfully made false statements on his application for a U.S. passport; Title 18 United States Code § 1001 in that he knowingly and willfully made a materially false statement in a matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States; and Title 18 United States Code § 911 in that he falsely and willfully represented himself to be a citizen of the United States.


Alex Stechschulte, Special Agent
United States Department of State
Diplomatic Security Service

Sworn to and subscribed before me and I find probable cause on this 30th day of
January, 2015


George C. Hanks, Jr.
United States Magistrate Judge
Southern District of Texas